

ORDINANCE NUMBER O- 16276 (NEW SERIES)

ADOPTED ON AUG 21 1984

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 8, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 68.0154, RELATING TO AN INTERIM CURFEW FOR AIRCRAFT LANDING OR DEPARTING FROM MONTGOMERY FIELD AIRPORT.

WHEREAS, on July 10, 1984 as a condition of approving the Master Plan for Montgomery Field Airport by Resolution No. R-261161, the Council of The City of San Diego recommended the imposition of a curfew on aircraft landings and takeoffs at Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m. daily; and

WHEREAS, a curfew has been shown by the study entitled, "Noise Contours for Montgomery Field - San Diego," by Bolt, Beranek and Newman, Report No. 5459, January 1984, to be an effective means for preventing the 65 decibel Community Noise Equivalent Level ("CNEL") contour from encroaching into residential areas in the vicinity of Montgomery Field Airport and as a result of the curfew, compliance with California Administrative Code, Title 21, Airport Noise Standards, will be facilitated; and

WHEREAS, the curfew is intended to prevent aircraft noise from unreasonably interfering with the sleep of persons of normal sensitivity near the Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m.; and

WHEREAS, a review was made by the Noise Abatement Administrator of The City of San Diego, of local, state and federal general

noise standards which included San Diego Municipal Code Sections 59.5.0401 and 59.5.0701; The City's General Plan; California Administrative Code, Title 24, Article 4; and Federal Housing and Urban Development ("HUD") Standards, these standards were compared to noise levels generated by aircraft certified under Federal Aviation Regulation ("FAR"), Part 36, and the results of this investigation showed that there are no aircraft, certified under FAR, Part 36, as of June 6, 1983, that will not exceed the average noise level specified in the above noise standards if any of the certified aircraft are allowed to fly during the curfew hours; and

WHEREAS, the City has determined that there was an average of 2.7 departures and 2.2 arrivals between the hours of midnight and 7:00 a.m. based on a study of late hour aircraft activity at Montgomery Field Airport over a period from December 19, 1983 through January 22, 1984; and

WHEREAS, the results of this study indicate that the curfew will have little effect on interstate commerce, will not create an economic burden upon airport users, or economically burden the local, regional or national airport system because of the small number of flights affected; and

WHEREAS, the City entered into an agreement on May 7, 1984, with Wyle Laboratories to draft specifications for an airport noise monitoring system, and a strategy for establishing sound level limits to include recommendations on aircraft noise levels which will not unreasonably disturb sleep of persons living near the Montgomery Field Airport; and

WHEREAS, the noise monitoring system is expected to be installed in January of 1985; and

WHEREAS, the sound level limits are expected to be in effect in March of 1985; and

WHEREAS, when the noise monitoring system is operational and the sound level limits are in effect, the City will be capable of certifying aircraft that meet the City's sound level limits and allow those aircraft to operate during the curfew hours; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 8, Division 1, of the San Diego Municipal Code be, and the same is hereby amended by adding Section 68.0154, to read as follows:

SEC. 68.0154 INTERIM CURFEW FOR AIRPORT AT MONTGOMERY FIELD AIRPORT

(a) No aircraft shall land at or depart from Montgomery Field Airport between the hours of 11:30 p.m. and 6:30 a.m. on any day except for emergencies. An emergency is defined as any unanticipated landing or departure reasonably necessary to protect persons or property from exposure to danger or damage.

(b) Any aircraft operator who lands or departs from Montgomery Field Airport for emergency purposes during the curfew hours must notify the Director of the nature of the emergency within 72 hours of the landing or departure.

(c) The Director will determine if any operations during the curfew hours constitute an emergency as defined above.

(d) If the aircraft operator fails to notify the Director of the nature of the emergency within 72 hours of the landing or departure or if the Director determines that the operation was nonemergency in nature, the Director is authorized to impose conditions of use of the airport upon the operator of the aircraft consistent with Section 68.0120 or Section 68.0145.

(e) An aircraft operator who is affected by the decision of the Director is entitled to a hearing before the City Manager consistent with the hearing procedures contained in Sections 68.0214 through 68.0216 and Sections 68.0220 and 68.0221. The hearing shall be limited to the determination of the emergency and the nature of the conditions imposed by the Director.

(f) This ordinance shall cease to be effective from and after one year from its adoption or at such time as the Noise Monitoring Program for Montgomery Field is in place and operative, whichever occurs first.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By   
John K. Riess, Deputy

TFS:HOV:JKR:ta:mem:532  
8/1/84:REV.8/3/84  
Or.Dept:Bldg.Insp.  
0-85-28

Passed and adopted by the Council of The City of San Diego on AUG 21 1984  
 by the following vote:

| Councilmen            | Yeas                                | Nays                     | Not Present                         | Ineligible               |
|-----------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Bill Cleator          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Gloria McColl         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| William Jones         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Ed Struiksmas         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mike Gotch            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Dick Murphy           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Uvaldo Martinez       | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

AUTHENTICATED BY:

**ROGER HEDGECOCK**  
 Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**  
 City Clerk of The City of San Diego, California.

(Seal)

By Barbara Boster, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 6 1984, and on AUG 21 1984.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

**CHARLES G. ABDELNOUR**  
 City Clerk of The City of San Diego, California.

(Seal)

By Barbara Boster, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16276 Adopted AUG 21 1984

RECEIVED  
CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION 1984 SEP 10 AM 8:46  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C St., 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. 0-16276

**ORDINANCE NO. 0-16276  
(NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5,  
DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY  
ADDING SECTION 66.0154, RELATING TO AN INTERIM  
CURFEW FOR AIRCRAFT LANDING OR DEPARTING FROM  
MONTGOMERY FIELD AIRPORT.

This ordinance will provide for an interim curfew for noise  
abatement purposes at Montgomery field between the hours of  
11:30 p.m. and 6:30 a.m. Emergency flights are exempted.

A complete copy of the Ordinance is available for inspection in  
the Office of the City Clerk of the City of San Diego, 12th Floor, Ci-  
ty Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on August 6, 1984.

Passed and adopted by the Council of The City of San Diego  
on August 20, 1984.

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By BARBARA BAXTER, Deputy.

(SEAL)

Published September 3, 1984

00-8572

I, Carrie Gedeon, am a citizen  
of the United States and a resident of the County aforesaid; I am over the  
age of eighteen years, and not a party to or interested in the above-entitled  
matter. I am the principal clerk of the San Diego Daily Transcript, a  
newspaper of general circulation, printed and published daily, except  
Saturdays and Sundays, in the City of San Diego, County of San Diego, and  
which newspaper has been adjudged a newspaper of general circulation by  
the Superior Court of the County of San Diego, State of California, under  
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-16276  
(NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was  
published in said newspaper on the following date(s), to wit:

September 3, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3rd day of Sept., 1984.

Carrie Gedeon

(Signature)

01437

4 1/2" x 9.76 = 41.48